

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARCHIBALD CUNNINGHAM,

Plaintiff,

v.

MARIA SCHOPP, et al.,

Defendants.

No. C 14-03033 JSW

**ORDER REGARDING  
PLAINTIFF'S RESPONSE TO  
ORDER TO SHOW CAUSE AND  
DISMISSING, WITHOUT  
PREJUDICE, DEFENDANTS  
KILKENNY AND YUEN**

On October 27, 2014, the Court issued an Order to Plaintiff to show cause as to why the Court should grant an extension of time to serve the defendants Plaintiff had not yet served and the efforts he had made to serve *each* of the named defendants who had not yet appeared, an Order that was not limited to the judicial defendants. Because Plaintiff sued a number of judicial defendants, the Court also directed Plaintiff to address why the claims against the judicial defendants would not be barred by the doctrine of judicial immunity.

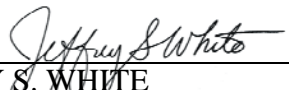
On October 29, 2014, Plaintiff filed a number of proofs of service for each of the judicial defendants who had not yet appeared. The Court expresses no opinion on whether Plaintiff's service was proper or whether Plaintiff's claims against these defendants have merit. However, because Plaintiff has filed proof of service within the time required by Rule 4(m) as to these defendants, the Court DISCHARGES the Order to Show Cause as to the judicial defendants.

However, Plaintiff did not file proofs of service on Pat Kilkenny or T. Michael Yuen, and his response to the Order to Show Cause did not address the efforts made to serve these defendants. Accordingly, the Court concludes that Plaintiff has not shown good cause, under

1 Rule 4(m), to extend the time to serve these defendants, and the Court DISMISSES, WITHOUT  
2 PREJUDICE, the claims against Pat Kilkenny and T. Michael Yuen.

3 **IT IS SO ORDERED.**

4 Dated: November 3, 2014

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE